

June 15, 2004 CPC



**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

04PW0368

**Ludolf W. Siemens
(Montessori Center for the Child)**

**Clover Hill Magisterial District
120 and 122 Courthouse Road**

REQUEST: Waiver of Development Standard

Ludolf W. Siemens (Montessori Center for the Child) requests modification of the following Zoning Ordinance requirement:

“Section 19-514(d)(Part of 1) Except as detailed in the Environmental Engineering Department’s Reference Manual, concrete curb and gutter shall be installed around the perimeter of all paved driveways and parking areas.”

Specifically, the applicant is requesting relief from the requirement of providing curb and gutter for a paved parking area and drive.

RECOMMENDATION

Staff recommends approval with the following two (2) conditions and review comments for the following reasons:

- A. The applicant’s letter is substantially in compliance with the requirements of the five (5) factors to be considered for a waiver.
- B. The conditions noted allow for growth of the school with the relocated access drive and additional parking developed in conformance with Zoning Ordinance requirements.
- C. The requirement to eventually relocate the drive and expand the parking makes the existing drive and parking temporary improvements.

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Adjacent Zoning and Land Use:

North – A and R-7; Single family residential

South, East and West – A; Single family residential or vacant.

BACKGROUND

The Zoning Ordinance requires that the Planning Commission make five (5) findings in its determination of Development Standards Waiver requests (see attached). The applicant has submitted justifications for this request.

This development lies in the boundaries of the Powhite/Route 288 Development Area Plan which suggests that the property is appropriate for low density residential development of 1.5 dwelling units per acre or less.

Proffered Condition 2(a) of zoning Case 04SN0242 requires that the access be relocated to the north should the school enrollment exceed eighty (80) students.

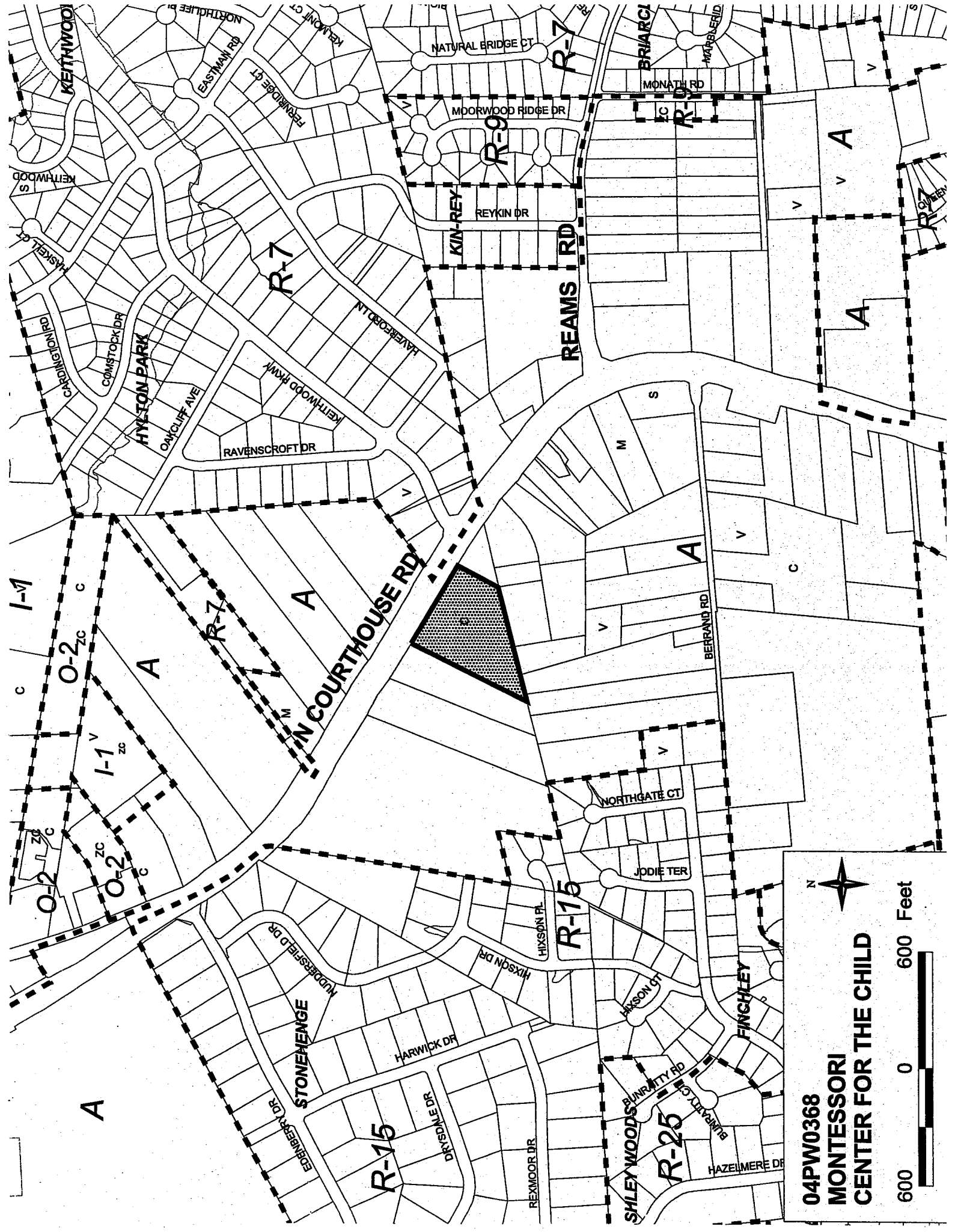
Proffered Condition 2(a) of zoning Case 04SN0242:

- “2. Prior to exceeding an enrollment of eighty (80) students, the following shall occur:
 - a. The existing access from the property to Courthouse Road shall be relocated towards the northern property line. The exact location of this access shall be approved by the Transportation Department.”

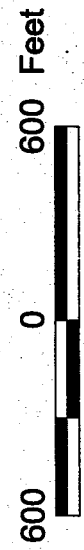
The current proposal is well below this enrollment level so the existing driveway may be used.

CONCLUSIONS

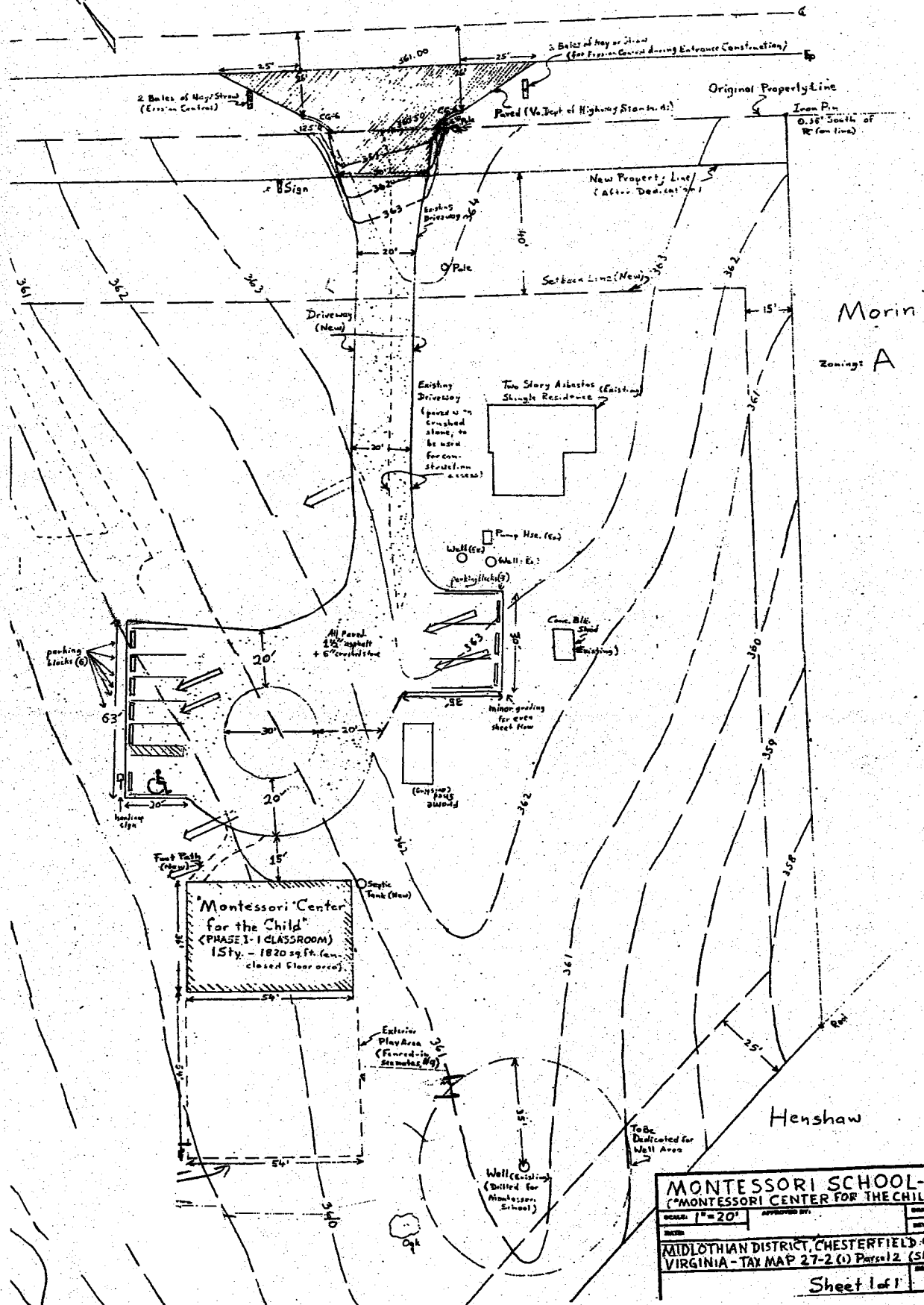
The existing private school use that has been in operation for approximately twenty-two (22) years is compatible with the existing residential development. The request for relief from the requirement of providing curb and gutter around the perimeter of a paved parking area and drive is reasonable due to the limited area involved, it's location on the ridgeline and the temporary nature of the access drive. When the school exceeds eighty (80) students, the relocated access drive and all new parking will need to meet Zoning Ordinance standards. Staff recommends approval of this Waiver with the conditions noted.



04PW0368
MONTESSORI
CENTER FOR THE CHILD



N. COURTHOUSE ROAD (RT. 653)



Morin
Zoning: A

Henshaw

MONTESSORI SCHOOL-SITE P (MONTESSORI CENTER FOR THE CHILD)			
SCALE: 1"=20'	APPROVED BY:	DESIGNED BY: L. W.	
MIDLOTHIAN DISTRICT, CHESTERFIELD COUNTY		SHEET 1 OF 1	
VIRGINIA - TAX MAP 27-2 (1) Parcel 2 (Sheet 8)			

04PW0368-1

applicable to part or all of the development or to rezone property within the development notwithstanding the fact that all parcels subject to the original condition or zoning are not included within the application to amend or rezone.
(Code 1978, § 21.1-11.2)

Sec. 19-18. Existing conditional use or conditional use planned development.

Where a use is classified as a conditional use under this chapter, and existed as a conditional or permitted use on March 31, 1997, it shall be considered to be a legal conditional use.
(Code 1978, § 21.1-12)

Sec. 19-19. Planning commission may grant modifications to development standards and requirements.

(a) Except for those development standards or requirements which must be modified by the granting of a variance, special exception, conditional use or a rezoning, the planning commission may grant modifications, with or without conditions, to development standards or requirements specified in this chapter. The planning commission shall fix a reasonable time for the hearing of an application under this section and decide the same within 60 days after its first hearing on the matter, unless the applicant requests or consents to action beyond such time or unless the applicant withdraws the request.

(b) No modification to a development standard or requirement shall be authorized by the planning commission unless it considers and determines substantial compliance with all of the following factors:

- (1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or nearby properties or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such properties the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property.
- (2) The granting of the modification will alleviate a clearly demonstrable hardship as

distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.

- (3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.

- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

- (5) The granting of such modification will allow the project to comply with the comprehensive plan.

(c) In authorizing a modification, the planning commission may impose conditions regarding the location, character and other features of the proposed building, structure or use as it may deem necessary to the public interest; and it may require a guarantee or bond to remain in effect until compliance with such conditions has occurred.

(d) The planning commission shall not grant more than the minimum necessary modification to the appropriate development standard or requirement to resolve the hardship. The planning commission shall not grant a permanent modification to a standard or requirement if a temporary modification will suffice. A temporary modification may be granted if the planning commission determines that permanent compliance will be obtained in a future phase of development.

(e) The planning commission shall not grant a modification to any development standard or requirement if:

- (1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.

Montessori Center for the Child
Development Standards Waiver - Five Findings

Tax ID: 743-704-7406

Ludolf Siemens (01563)

- 1) Being at the top of a ridgeline, the area to be paved does not need curb and gutter to concentrate water flow. The slope of the paving will provide even sheet flow north-west into several acres of turf and woods.
- 2) The area is generally residential with no parking lots with curb and gutter within the view-shed of the school building. Curb and gutter would require extensive construction of a drainage basin or storm sewer pipe where there is now woods.
- 3) The existing parking area currently sheet flows with no detrimental effect to the neighbors; furthermore, not having curb and gutter will maintain the existing sheet flow conditions with no significant change and no detrimental effect for the surrounding properties. The sheet flow runoff does not alter the amount of water currently running off towards the north-west neighbor and will not be detrimental to the north-west neighbor due to the significant acreage of turf and woods in the runoff area. None of the other adjacent property owners are impacted by the sheet flow because it flows entirely in the north-west direction.
- 4) The private school uses a very small area of the large lot. Furthermore, the parking area is located just to the north of the ridgeline which is a special circumstance due to the small size of the parking area and the special topographical conditions, including the slope and drainage area provided by the turf and woods.
- 5) The comprehensive development area plan suggests the property is appropriate for low density residential development of 1.5 dwelling units per acre or less. The existing private school is, and will continue to be, compatible with existing residential development. The driveway without curb and gutter will help maintain the residential appearance.



May 18, 2004 CPC
May 26, 2004 BS

**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

04SN0242

Ludolf Siemens

**Clover Hill Magisterial District
120 North Courthouse Road**

REQUEST: Conditional Use to permit a private school.

PROPOSED LAND USE:

A private school has operated on the request property for approximately twenty-two (22) years (Montessori Center for the Child). This request would allow the continued operation of this facility under new management.

PLANNING COMMISSION RECOMMENDATION

Recommend approval subject to the Conditions and acceptance of the Proffer Conditions on pages 2 and 3.

AYES: Messrs. Litton, Bass, Gulley and Wilson

ABSENT: Mr. Gecker

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The existing private school use, which has been in operation for approximately twenty-two (22) years, has been, and continues to be, compatible with existing residential development.
- B. The recommended conditions and proffered conditions would ensure that the site complies with current development standards for similar projects.

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(STAFF/CPC)

2. Prior to exceeding an enrollment of eighty (80) students, the following shall occur:

- a. The existing access from the property to Courthouse Road shall be relocated towards the northern property line. The exact location of this access shall be approved by the Transportation Department.
- b. Additional pavement shall be constructed along Courthouse Road at the approved access to provide a right turn lane. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this road improvement. (T)

(STAFF/CPC)

3. The freestanding sign identifying the school use shall be of a monument style and shall not exceed twenty-four (24) square feet in area and eight (8) feet in height. (P)

GENERAL INFORMATION

Location:

West line of Courthouse Road, north of Keithwood Parkway, and better known as 120 North Courthouse Road. Tax ID 743-704-7406 (Sheet 6).

Existing Zoning:

A with Conditional Use

Size:

4.7 acres

Existing Land Use:

Private School

Adjacent Zoning and Land Use:

North - A and R-7; Single family residential

South, East and West - A; Single family residential or vacant

ENVIRONMENTAL

Drainage and Erosion:

The property drains west and then via tributaries to Mansfield Branch. There are currently no on or off-site drainage or erosion problems with none anticipated after development.

It is anticipated that relief to the curb and gutter requirements for parking and driveways may be sought through the Development Standards Waiver process. It is anticipated that such relief for the existing parking/drive areas or minor adjustments thereto should not negatively impact adjoining properties.

PUBLIC FACILITIES

Fire Service:

The Midlothian Fire Station, Company Number 5, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service. The Courthouse Road Fire Station, currently under construction, will be the primary service provider upon its completion. This request will have only minimal impact on fire and emergency medical services.

When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Transportation:

The property (4.7 acres) is zoned Agricultural (A) with a Conditional Use (Cases 79SN0044 and 91SN0214) that permits a private school on the property subject to specific conditions. One of those conditions limits the keeping of no more than eighty (80) children on the property at any one time. Because another condition of the original Conditional Use limited the operation of the private school to a specific individual, the applicant is requesting a new Conditional Use for the private school.

The current request will not limit the number of students enrolled at the school; therefore it is difficult to anticipate traffic generation. Based on private school trip rates with an enrollment of eighty (80) students, the development could generate 200 average daily trips. These vehicles will be distributed along Courthouse Road, which had an estimated 2003 traffic count of 50,725 vehicles per day.

A school has been developed on the property, with one (1) access to Courthouse Road. This section of Courthouse Road is a six-lane divided facility. The site access is limited to right-turns-in and right-turns-out only, and is located approximately 250 feet north of a crossover on Courthouse Road that aligns Keithwood Parkway. Typical access spacing

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(Condition 2). These standards are typical for the current development of similar private school facilities within the County. Emerging Growth Area standards address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

Architectural Treatment:

The recommended conditions would require any new construction for school use to conform to Emerging Growth District architectural standards. Currently in Emerging Growth Areas, architectural treatment of buildings, including materials, color and style, must be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.

Buffers and Screening:

As noted herein, adjacent properties are occupied by single family residences or remain vacant. Any proposed outdoor recreational facilities and playgrounds should be set back from these adjacent properties. (Proffered Condition 1 and Condition 3)

Freestanding Signage:

Currently, the Zoning Ordinance permits one (1) freestanding sign, fifty (50) square feet in area and fifteen (15) feet in height, to identify the school use. Such sign may be of a monument or pole-mounted design. In response to concerns expressed by the Clover Hill Commissioner, the applicant has proffered to restrict the maximum sign area to twenty-four (24) square feet and eight (8) feet in height, consistent with sign standards for schools in Village Districts. (Proffered Condition 3)

CONCLUSIONS

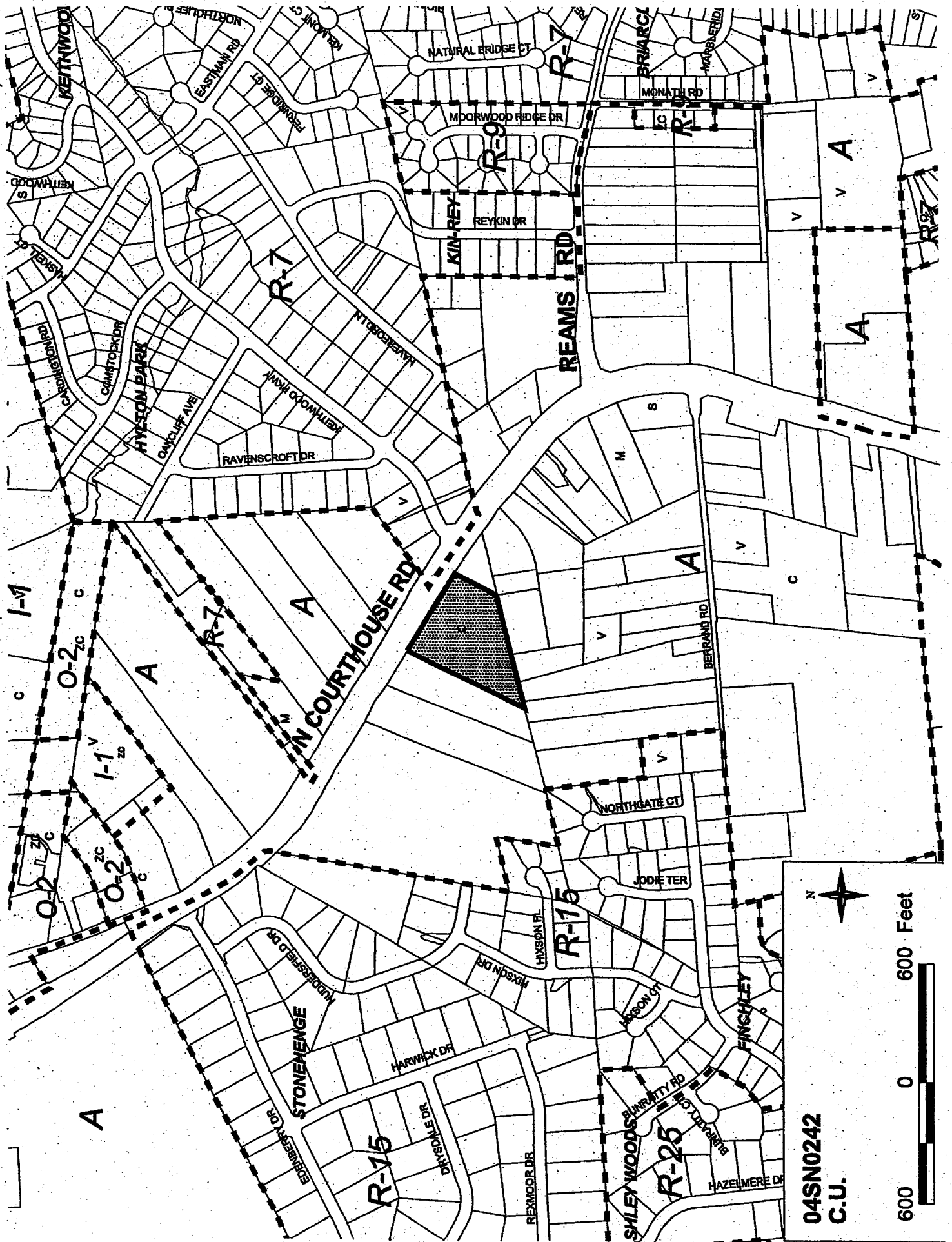
The existing private school use, which has been in operation for approximately twenty-two (22) years, has been, and continues to be, compatible with existing residential development. The recommended conditions and proffered conditions would ensure that the site comply with current development standards for similar projects.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Applicant (5/14/04):

Proffered Condition 3 was submitted.



04SN0242
C.U.